

REMARKS/ARGUMENTS

After the foregoing Amendment, Claims 1, 4 – 8, 10 – 11, 13 and 23 - 32 are currently pending in this application. Claims 2 – 3, 9, 12, and 30 have been canceled without prejudice. Previously withdrawn claims 14-22 have been cancelled without prejudice to the filing of a divisional application. Claims 1, 6, 23 and 27 have been amended. Applicant submits that no new matter has been introduced into the application by these amendments.

Claim Rejections - 35 USC § 103

Claims 1, 4, 5-10, 13 and 23-31 were rejected under 35 USC § 103(a) as obvious over U.S. Patent No. 5,725,146 to Luberto in view of U.S. Patent No. 4,345,393 to Price et al.

Applicant respectfully traverses the rejection.

The invention as currently claimed in claim 1 is a container including a main panel having a plurality of substantially straight edges about its periphery, each edge extending angularly from each of two adjoining edges. The container also includes a plurality of side walls depending from at least half of the edges of the main panel, the edges having side walls or remaining edges, the side walls enclose a space. One or more of the side walls have an outer wall panel and an inner wall

panel. The outer wall panel extends from a proximal fold or score line along a remaining edge and the inner wall panel extends from a distal fold or score line remote from the proximal fold or score line and along an opposed edge of the outer wall panel. The combination of panels form a roll-over wall. One or more of the roll-over walls further include at least one removable portion operatively removable from the outer wall panel to leave a remaining inner wall portion such that one of the enclosing or strength properties of the container remain substantially unaffected after the removal of any one or more of the removable portions. The inner wall panel is provided with markings which become revealed upon removal of a removable portion from the outer wall panel.

The invention as claimed in independent claim 13 is a blank for a carton including two main panels. Each main panel is substantially the same shape and has a plurality of substantially straight edges or fold or score lines about its periphery. Each edge, fold or score line extends angularly to each of two adjoining edges or fold or score lines. The main panels are joined to one another by a joining panel having substantially parallel edges each of which constitutes a hinge line in common with one of the fold or score lines of each main panel. The blank also includes a plurality of side panel assemblies that extend from the remaining fold or score lines about the main panels such that at least half of the periphery of both main panels is constituted by a fold or score line from which the side panels extend.

At least one of the side panel assemblies includes an outer wall panel and an inner wall panel, the outer wall panel extends from a proximal fold or score line in common with the fold or score line at the periphery of the adjoining main panel and the inner wall panel extends from a distal fold or score line remote from the proximal fold or score line. At least one of the side panel assemblies further includes at least one line of weakness circumscribing at least one removable portion from a remaining panel portion, the remaining panel portion being sufficient to at least one of enclose or support the container when assembled from the blank, substantially unaffected after the removal of any one or more of the at least one removable portion.

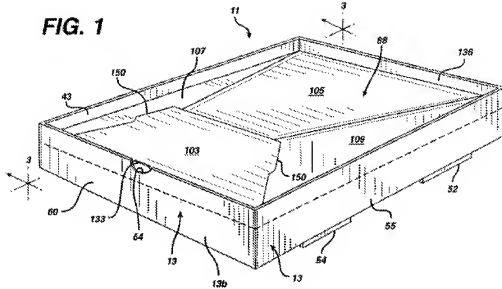
The invention as currently claimed in independent claim 23 is a container including two main panels, each substantially the same shape and having a plurality of substantially straight edges about its periphery. Each edge extends angularly from each of two adjoining edges, and the main panels are joined to one another by a joining panel that has substantially parallel edges each of which constitutes a hinge line along one of the edges of each the main panel. The container also includes a plurality of side walls that depend from at least half of the edges of the main panels other than those having a common edge with the hinge line. The edges have side walls, or remaining edges, the side walls and the joining panel enclose a space between the main panels when the main panels are pivoted

towards one another to define the enclosed space. At least one of the side walls includes an outer wall panel and an inner wall panel, the outer wall panel extends from a proximal fold or score line along a remaining edge and the inner wall panel extends from a distal fold or score line remote from the proximal fold or score line and along an opposed edge of the outer wall panel. The combination of panels forms a roll-over wall. One or more of the roll-over walls further include at least one removable portion operatively removable from to leave a remaining wall portion such that at least one of the enclosing or strength properties of the container remain substantially unaffected after the removal of any one or more of the at least one removable portion from the roll-over walls. The inner wall panel is provided with markings which become revealed upon removal of the at least one removable portion from the outer wall panel.

The proposed combination of Luberto and Price fails to teach all of the limitations of claims 1, 13, and 23. In particular, there is no teaching of one or more roll-over walls that include at least one removable portion operatively removable from the outer wall panel to leave a remaining inner wall portion such that one of the enclosing or strength properties of the container remain substantially unaffected after the removal of any one or more of the removable portions, as currently claimed in claim 1. Further, the proposed combination fails to show or suggest that the inner wall panel is provided with markings which become

revealed upon removal of a removable portion from the outer wall panel, also currently claimed in claim 1. In addition, one of ordinary skill in the art would not be motivated to combine Luberto with Price since the box of Price is of a laminated construction where an outer ply is glued to an inner ply. (See column 3, lines 56 - 64).

Regarding independent claim 13, the proposed combination fails to show or suggest a blank including two main panels, each being substantially the same shape, and are joined to one another by a joining panel having substantially parallel edges each of which constitutes a hinge line in common with one of the fold or score lines of each main panel. Price does not disclose a hinge line as claimed. Further, as shown in Fig. 1 of Luberto, reproduced below, the top portion is ramp shaped, having four distinct sides (103, 105, 107, and 109).



Regarding independent claim 23, the proposed combination fails to show or suggest a container having two main panels, each substantially the same shape and roll-over walls that include at least one removable portion operatively removable from to leave a remaining wall portion such that at least one of the enclosing or strength properties of the container remain substantially unaffected after the removal of any one or more of the at least one removable portion from the roll-over walls. Further, the proposed combination fails to show or suggest an inner wall panel provided with markings which become revealed upon removal of one of the removable portions from the outer wall panel as currently claimed.

Consequently, without any prior knowledge of the invention, there would be no motivation for a person skilled in the art to combine the teachings of Luberto and Price. Furthermore the proposed combination fails to teach the invention as currently claimed.

Claims 4, 5 – 10 and 24 – 31 are dependent upon claims 1 and 23 respectively, which the Applicant believes are allowable over the cited prior art of record for at least the same reasons provided above.

Based on the arguments presented above, withdrawal of the § 103 rejection of claims 1, 4, 5-10, 13 and 23-31 is respectfully requested.

Claims 11 and 32 stand rejected under 35 USC § 103(a) as obvious over U.S. Patent No. 5,725,146 to Luberto in view of Price as applied to claims 1 and 23 above, and further in view of U.S. Patent No. 6,153,280 to Uffmann.

Claims 11 and 32 depend from claims 1 and 23, respectively, which are believed to be allowable for at least the reasons set forth above, and should likewise be allowable. Accordingly, the §103 rejection of claims 11 and 32 is respectfully requested.

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Application No.: 10/511,177

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1, 4 – 8, 10 – 11, 13 and 23 - 32, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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